

In the Supreme Court of the United States

STATE OF ARIZONA, PLAINTIFF

v.

STATE OF CALIFORNIA ET AL.

ON BILL OF COMPLAINT

**JOINT MOTION FOR ENTRY OF DECREE,
MEMORANDUM IN SUPPORT OF JOINT MOTION,
AND PROPOSED CONSOLIDATED DECREE**

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JOINT MOTION FOR ENTRY OF DECREE

The States of Arizona and California, the United States of America, the Quechan Tribe of the Fort Yuma Indian Reservation, The Metropolitan Water District of Southern California, and the Coachella Valley Water District jointly move that this Court enter a decree in the form and manner of the Proposed Consolidated Decree which accompanies this motion, for the reasons set forth in the Memorandum in Support of Joint Motion for Entry of Decree.

Respectfully submitted.

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MEMORANDUM IN SUPPORT OF JOINT MOTION FOR ENTRY OF DECREE

I. INTRODUCTION

The States of Arizona and California, the United States of America, the Quechan Tribe of the Fort Yuma Indian Reservation, The Metropolitan Water District of Southern California, and the Coachella Valley Water District (collectively referred to herein as the Parties) submit this memorandum in support of the joint motion for entry of a consolidated decree in this case. The joint motion arises from an original action between Arizona and California, among others, involving this Court's decisions in *Arizona v. California*, 373 U.S. 546 (1963) (*Arizona I*), *Arizona v. California*, 460 U.S. 605 (1983) (*Arizona II*), and *Arizona v. California*, 530 U.S. 392 (2000) (*Arizona III*). Those decisions address the rights of the Lower Colorado River Basin States and other entities to the use of the waters of the Colorado River. On October 10, 1989, the Court granted the motion of Arizona and California to reopen this original action to resolve questions of water rights arising out of disputed boundary claims with respect to the Fort

Yuma, Fort Mojave, and Colorado River Indian Reservations. See *Arizona v. California*, 493 U.S. 886 (1989). The United States, The Metropolitan Water District of Southern California, and the Coachella Valley Water District, as well as Arizona and California and the Indian Tribes that occupy those reservations, are parties in this litigation.

II. THE HISTORY OF THE *ARIZONA* v. *CALIFORNIA* LITIGATION

On January 19, 1953, the Court granted Arizona leave to file a bill of complaint against California and seven of its public agencies, Palo Verde Irrigation District, Imperial Irrigation District, the Coachella Valley County Water District, The Metropolitan Water District of Southern California, City of Los Angeles, City of San Diego and County of San Diego. 344 U.S. 919. The United States and the State of Nevada intervened. *Ibid.* (intervention by the United States); 347 U.S. 985 (1954) (intervention by Nevada). The State of New Mexico and the State of Utah were joined as parties. 350 U.S. 114, 115 (1955). The Court referred the case to George I. Haight, Esquire, and upon his death to Simon H. Rifkind, Esquire, as Special Master. 347 U.S. 986 (1954); 350 U.S. 812 (1955). On January 16, 1961, the Court received and ordered filed the report of Special Master Rifkind. 364 U.S. 940. On June 3, 1963, the Court filed an opinion in the case. 373 U.S. 546. On March 9, 1964, the Court entered a decree. 376 U.S. 340 (1964 Decree).

On February 28, 1966, the Court granted the joint motion of the parties to amend Article VI of the decree, and so amended Article VI to extend the time for submission of lists of present perfected rights. 383 U.S. 268.

On January 9, 1979, the Court filed an opinion granting the joint motion for entry of a supplemental decree, entered a supplemental decree, denied in part the motion to intervene of the Fort Mojave Indian Tribe, and otherwise referred the case and the motions to intervene of the Fort Mojave Indian Tribe and the Colorado River Indian Tribes, et al., to Judge Elbert P. Tuttle as Special Master. 439 U.S. 419, 437 (1979 Supplemental Decree). On April 5, 1982, the Court received and ordered filed the report of Special Master Tuttle. 456 U.S. 912. On March 30, 1983, the Court filed an opinion rendering a decision on the several exceptions to the report of the Special Master, approving the recommendation that the Fort Mojave Indian Tribe, the Chemehuevi Indian Tribe, the Colorado River Indian Tribes, the Quechan Tribe, and the Cocopah Indian Tribe be permitted to intervene, and approving some of his further recommendations and disapproving others, 460 U.S. 605, 609, 615. On April 16, 1984, the Court entered a second supplemental decree implementing that decision. 466 U.S. 144 (1984 Second Supplemental Decree).

On October 10, 1989, the Court granted the motion of the state parties to reopen the decree to determine the disputed boundary claims with respect to the Fort Mojave, Colorado River, and Fort Yuma Indian reservations. 493 U.S. 886. The case was referred to Robert B. McKay, Esquire, and upon his death to Frank McGarr, Esquire, as Special Master. 493 U.S. 971 (1989); 498 U.S. 964 (1990). On October 4, 1999, the Court received and ordered filed the report of Special Master McGarr. 528 U.S. 803. On June 19, 2000, the Court filed an opinion rendering a decision on the several exceptions to the report of the Special Master, approving the settlements of the parties with respect to

the Fort Mojave and Colorado River Indian Reservations, and remanding the case to the Special Master with respect to the Fort Yuma Indian Reservation. 530 U.S. 392, 418, 419-420. On October 10, 2000, the Court entered a supplemental decree. 531 U.S. 1 (2000 Supplemental Decree).

On June 14, 2005, Special Master McGarr submitted his report recommending approval of the settlements of the Parties with respect to the Fort Yuma Indian Reservation and a proposed supplemental decree to implement those settlements (2005 Proposed Supplemental Decree).

On October 3, 2005, the Court directed the Parties to draft and submit a final comprehensive decree. By this motion the Parties request entry of the attached Proposed Consolidated Decree, prepared by the Parties in compliance with the Court's request. The decree consolidates the substantive provisions of the decrees previously entered in this action at 376 U.S. 340 (1964), 383 U.S. 268 (1966), 439 U.S. 419 (1979), 466 U.S. 144 (1984), and 531 U.S. 1 (2000), implements the Parties' settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation, and reflects changes in the names of certain parties and Indian Reservations. The Proposed Consolidated Decree provides a single reference to ascertain the rights and obligations of the parties adjudicated in *Arizona v. California*, No. 8, Original, which reflects the incremental changes in the original 1964 decree by subsequent decrees and the Parties' settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation. In submitting this decree the Parties do not intend to vacate or alter any of the substantive provisions of previous decrees entered by the Court other than as necessary to accommodate the recent settlements for

the Fort Yuma Indian Reservation. Nor do the Parties intend to alter or affect any right or obligation under an existing statute, regulation, policy, administrative order, contract, or judicial decision or judgment in other actions that references any of the previous decrees.

The base documents for the Proposed Consolidated Decree are the 1964 Decree and the 1979 Supplemental Decree. The 1964 Decree and 1979 Supplemental Decree are stand-alone documents that could not be integrated without renumbering articles and paragraphs, which would have generated confusion because of numerous legal documents that reference specific provisions of the existing decrees. The problem was resolved by using the 1964 Decree as the text for the main decree and the 1979 Supplemental Decree as the text for the Appendix. These base documents were then updated according to amendments in the 1966, 1979, 1984 and 2000 supplemental decrees and the 2005 Proposed Supplemental Decree submitted to this Court on June 14, 2005, to implement the Parties' settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation. Except to implement the settlements, no substantive changes were made in the texts other than the deletion of inoperative provisions, an adjustment for changes in names of parties and Indian Reservations,¹ the correction of an error in the legal description of Present Perfected Right No. 13, and

¹ The Bureau of Indian Affairs now recognizes spelling or place names for the Fort Mojave and Fort Yuma Indian Reservations that differ from those used in the 1964 Decree. (See 68 Fed. Reg. 68,180-68,182 (2003).) Additionally, the Coachella Valley County Water District was renamed Coachella Valley Water District, and the correct name of Metropolitan Water District of Southern California is The Metropolitan Water District of Southern California.

the specification of dates to avoid confusion.² The specific changes are enumerated below.

III. AN EXPLANATION OF THE CHANGES MADE TO FORM THE PROPOSED CONSOLIDATED DECREE

A. Introduction

The specific changes made to the 1964 Decree to create the text of the Proposed Consolidated Decree and to the 1979 Supplemental Decree to create the text of the appendix are enumerated below.

B. The 1964 Decree

The Proposed Consolidated Decree is drawn from the text of the original 1964 Decree with the following changes:

1. Introductory language has been added to explain the procedural history of the case.

2. Additional introductory language is added to receive and file the Special Master's report, to approve the settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation, and to specify the effect of this Consolidated Decree. Two factors generated the need for the introductory language. First, although the objective is to consolidate the previous decrees without substantive change, the previous decrees would need to be amended to implement the settlements of the reserved water rights claim for the Fort Yuma Indian Reservation. The purpose of the introductory language is to make clear that existing rights and obligations are not changed by entry of the

² Several provisions of the 1964 Decree fixed the time for performance of certain obligations on the date of entry of the decree, which date was not specified.

consolidated decree except where necessary to implement the Parties' settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation. Second, since the entry of the various decrees in *Arizona v. California*, a large number of legal documents creating rights and obligations have come into existence that specifically refer to the various decrees. Those include, but are not limited to, statutes,³ regulations,⁴ departmental policies,⁵ administrative orders and

³ See, *e.g.*, Southern Nevada Project Act, Pub. L. No. 89-292, § 6, 79 Stat. 1069, as amended, Pub. L. No. 89-510, 80 Stat. 312, 43 U.S.C. 616*lll* (1970); Colorado River Basin Project Act, Pub. L. No. 90-537, §§ 301(b), 304(f)(1), 305, 601(a) and (c), 82 Stat. 888, 892, 893, 899, 43 U.S.C. 1521(b), 1524(f)(1), 1525, 1551 (a) and (c), as amended by the Arizona Water Settlements Act, Pub. L. No. 108-451, § 212(d), 118 Stat. 3528; Colorado River Basin Salinity Control Act, Pub. L. No. 93-320, §§ 102(a), 207, 88 Stat. 268, 274, 43 U.S.C. 1572(a), 1596; Lower Colorado Water Supply Act, Pub. L. No. 99-655, § 5, 100 Stat. 3667; Salton Sea Reclamation Act of 1998, Pub. L. No. 105-372, § 101(c)(2), 112 Stat. 3379.

⁴ See, *e.g.*, 43 C.F.R. Pt. 414—Offstream Storage of Colorado River Water and Development and Release of Intentionally Created Unused Apportionment in the Lower Division States, §§ 414.1(a)(4), 414.2, 414.3(a)(3), 414.3(a)(10)(ii), 414.3(a)(12)(iv), 414.3(e), 414.4(b), and 414.4(b)(2); 43 C.F.R. Pt. 417—Procedural Methods for Implementing Colorado River Water Conservation Measures with Lower Basin Contractors and Others, §§ 417.1, 417.5(a).

⁵ See, *e.g.*, *Review Of Existing Coordinated Long-Range Operating Criteria for Colorado River Reservoirs* pursuant to the Colorado River Basin Project Act of September 30, 1968 (Pub. L. No. 90-537, 82 Stat. 885), 70 Fed. Reg. 15,873 (2005); *Colorado River Interim Surplus Guidelines*, 66 Fed. Reg. 7772 (2001); *Colorado River Water Delivery Agreement—Implementation Agreement, Inadvertent Overrun and Payback Policy, and Related Fed-*

decisions, contracts entered into by the Secretary of the Interior pursuant to Section 5 of the Boulder Canyon Project Act, ch. 42, 45 Stat. 1060, 43 U.S.C. 617d, and court decisions and judgments in other actions in this Court and other courts. It is imperative that entry of a consolidated decree not impair any of the rights or obligations under those documents.

3. Article II(D)(2) was amended to conform to Paragraph A of the 1984 Second Supplemental Decree.

4. Article II(D)(3) was amended to conform to Paragraph A of the 2005 Proposed Supplemental Decree and to correct the name of the Fort Yuma Indian Reservation.

5. Article II(D)(4) was amended to conform to Paragraph A of the 2000 Supplemental Decree.

6. Article II(D)(5) was amended to conform to Paragraph B of the 2000 Supplemental Decree, which superseded the amendment of Article II(D)(5) by Paragraph A of the 1984 Second Supplemental Decree, and to correct the spelling of the Fort Mojave Indian Reservation.

7. Article III was amended to correct the names of the Coachella Valley Water District and The Metropolitan Water District of Southern California.

8. Article IV was amended to replace “four years from the date of this decree” with “March 9, 1968.”

9. Article VI was amended to replace “Within two years from the date of this decree” and “within a similar period of time” with “by March 9, 1967” to clarify the date of performance of the requirements that the States of Arizona, California, and Nevada and the Secretary of

eral Actions, Colorado River, Arizona, California and Nevada, 69 Fed. Reg. 12,201 (2004).

the Interior submit lists of present perfected rights. This change also reflects the amendment made by the 1966 Supplemental Decree. A concluding sentence is added that incorporates by reference the list of present perfected rights contained in an Appendix. The Appendix is based on the text of the 1979 Supplemental Decree, with the modifications noted below.

10. Article VII was amended to replace “within four years from the date of this decree” with “by March 9, 1968,” as the beginning of the period for the State of New Mexico to begin record keeping.

11. Article IX, retaining jurisdiction, is continued to make clear that the Court is not discharging jurisdiction over the case by entry of the Proposed Consolidated Decree.

C. The 1979 Supplemental Decree

The Appendix in the Proposed Consolidated Decree is drawn from the text of the 1979 Supplemental Decree with the following changes:

1. The procedural history recital at the beginning was deleted as unnecessary in light of the introductory paragraphs to the Proposed Consolidated Decree.

2. Wherever the language referred to the 1964 Decree or “said Decree,” the language was changed to refer to “this decree” and references to supplements to the decree were deleted. This change is purely stylistic.

3. Paragraph (5) of the introductory conditions was amended to conform to Paragraph B of the Proposed Supplemental Decree, which would supersede the earlier amendment made by Paragraph C of the 2000 Supplemental Decree.

4. The introductory sentence of Article I(A) was amended to conform to Paragraph C of the Proposed Supplemental Decree.

5. Article I(A)(1) was amended to conform to Paragraph B of the 1984 Second Supplemental Decree.

6. Article I(A)(3a) was added to conform to Paragraph C of the 2005 Proposed Supplemental Decree and the name of the Fort Yuma Indian Reservation was corrected.

7. The concluding sentence was added to Article I(A) to conform to Paragraph C of the 1984 Second Supplemental Decree.

8. Article I (C) (13) was amended to correct a typographical error in the legal description of Present Perfected Right No. 13.

9. Article II(A)(23) was amended to conform to Paragraph D of the 2005 Proposed Supplemental Decree and the name of the Fort Yuma Indian Reservation was corrected.

10. Article II(A)(24) was amended to conform to Paragraph D of the 2000 Supplemental Decree.

11. Article II(A)(25) was amended to conform to Paragraph E of the 2000 Supplemental Decree.

12. The concluding language relating to the appointment of, and reference to, Special Master Elbert P. Tuttle was deleted as unnecessary in light of the introductory paragraphs.

D. The Remaining Supplemental Decrees

The following provisions of the 1984 Second Supplemental Decree, the 2000 Supplemental Decree, and the 2005 Proposed Supplemental Decree were not included in the Proposed Consolidated Decree for the reasons stated:

1. Paragraph D of the 1984 Second Supplemental Decree, providing that the prior decrees remain in effect, is omitted as unnecessary because it is covered

by the introductory paragraph of the Proposed Consolidated Decree.

2. Paragraph E of the 1984 Second Supplemental Decree, relating to allocation of the costs of Special Master Tuttle, is omitted as unnecessary.

3. Paragraph F of the 1984 Second Supplemental Decree, discharging Special Master Tuttle, is omitted as unnecessary.

4. Paragraph G of the 1984 Second Supplemental Decree, retaining jurisdiction, is omitted as unnecessary because the subject is covered by Article IX of the Proposed Consolidated Decree.

5. Paragraph F of the 2000 Supplemental Decree, providing that the prior decrees remain in effect, is omitted as unnecessary because it is covered in the introductory language of the Proposed Consolidated Decree.

6. Paragraph G of the 2000 Supplemental Decree, retaining jurisdiction, is omitted as unnecessary as the subject is covered by Article IX of the Proposed Consolidated Decree.

7. Paragraph E of the 2005 Proposed Supplemental Decree, providing that the prior decrees remain in effect, is omitted as unnecessary because it is covered by the introductory language.

8. Paragraph F of the 2005 Proposed Supplemental Decree, retaining jurisdiction, is omitted as unnecessary as the subject is covered by Article IX.

IV. CONCLUSION

The Parties have solicited comment from all of the state parties and Indian Tribes that have been a part of this litigation. The Parties submit that the Proposed Consolidated Decree properly reflects this Court's decisions in *Arizona I*, *Arizona II*, and *Arizona III*, and the

respective Decrees of this Court, and effectuates the Parties' settlements for the Fort Yuma Indian Reservation. For the foregoing reasons, the Parties respectfully request the Court to enter the Proposed Consolidated Decree.

Respectfully submitted.

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Court received and ordered filed the report of Special Master McGarr. 528 U.S. 803. On June 19, 2000, the Court filed an opinion rendering a decision on the several exceptions to the report of the Special Master, approving the settlements of the parties with respect to the Fort Mojave and Colorado River Indian Reservations and remanding the case to the Special Master with respect to the Fort Yuma Indian Reservation. 530 U.S. 392, 418, 419-420. On October 10, 2000, the Court entered a supplemental decree. 531 U.S. 1.

On June 14, 2005, Special Master McGarr submitted his report recommending approval of the settlements of the federal reserved water rights claim with respect to the Fort Yuma Indian Reservation and a proposed supplemental decree to implement those settlements.

The State of Arizona, the State of California, The Metropolitan Water District of Southern California, Coachella Valley Water District, the United States, and the Quechan Tribe, at the direction of the Court, have filed a joint motion to enter a consolidated decree.

This decree consolidates the substantive provisions of the decrees previously entered in this action at 376 U.S. 340 (1964), 383 U.S. 268 (1966), 439 U.S. 419 (1979), 466 U.S. 144 (1984), and 531 U.S. 1 (2000), implements the settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation, which the Court has approved this date, and reflects changes in the names of certain parties and Indian Reservations. This decree is entered in order to provide a single convenient reference to ascertain the rights and obligations of the parties adjudicated in this original proceeding, and reflects only the incremental changes in the original 1964 decree by subsequent decrees and the settlements of the federal reserved water rights claim for the Fort Yuma Indian Reservation.

Accordingly,

IT IS ORDERED, ADJUDGED AND DECREED:

The report of the Special Master is received and ordered filed, and the settlements of the federal reserved water rights claim with respect to the Fort Yuma Indian Reservation are approved.

The joint motion to enter a consolidated decree is granted. Except where the text of this decree differs from the previous decrees, this decree does not vacate the previous decrees nor alter any of their substantive provisions, and all mandates, injunctions, obligations, privileges, and requirements of this decree are deemed to remain effective as of the date of their respective entry in the prior decrees. Entry of this decree shall not affect the validity or effect of, nor affect any right or obligation under, any existing statute, regulation, policy, administrative order, contract, or judicial decision or judgment in other actions that references any of the previous decrees, and any such reference shall be construed as a reference to the congruent provisions of this decree.

I. For purposes of this decree:

(A) “Consumptive use” means diversions from the stream less such return flow thereto as is available for consumptive use in the United States or in satisfaction of the Mexican Treaty obligation;

(B) “Mainstream” means the mainstream of the Colorado River downstream from Lee Ferry within the United States, including the reservoirs thereon;

(C) Consumptive use from the mainstream within a State shall include all consumptive uses of water of the mainstream, including water drawn from the mainstream by underground pumping, and including, but not limited to, consumptive uses made by persons, by agencies of that State, and by the United States for the benefit of Indian reservations and other federal establishments within the State;

(D) “Regulatory structures controlled by the United States” refers to Hoover Dam, Davis Dam, Parker Dam, Headgate Rock Dam, Palo Verde Dam, Imperial Dam, Laguna Dam and all other dams and works on the mainstream now or hereafter controlled or operated by the United States which regulate the flow of water in the mainstream or the diversion of water from the mainstream;

(E) “Water controlled by the United States” refers to the water in Lake Mead, Lake Mohave, Lake Havasu and all other water in the mainstream below Lee Ferry and within the United States;

(F) “Tributaries” means all stream systems the waters of which naturally drain into the mainstream of the Colorado River below Lee Ferry;

(G) “Perfected right” means a water right acquired in accordance with state law, which right has been exercised by the actual diversion of a specific quantity of water that has been applied to a defined area of land or to definite municipal or industrial works, and in addition shall include water rights created by the reservation of mainstream water for the use of federal establishments under

federal law whether or not the water has been applied to beneficial use;

(H) “Present perfected rights” means perfected rights, as here defined, existing as of June 25, 1929, the effective date of the Boulder Canyon Project Act;

(I) “Domestic use” shall include the use of water for household, stock, municipal, mining, milling, industrial, and other like purposes, but shall exclude the generation of electrical power;

(J) “Annual” and “Year,” except where the context may otherwise require, refer to calendar years;

(K) Consumptive use of water diverted in one State for consumptive use in another State shall be treated as if diverted in the State for whose benefit it is consumed.

II. The United States, its officers, attorneys, agents and employees be and they are hereby severally enjoined:

(A) From operating regulatory structures controlled by the United States and from releasing water controlled by the United States other than in accordance with the following order of priority:

(1) For river regulation, improvement of navigation, and flood control;

(2) For irrigation and domestic uses, including the satisfaction of present perfected rights; and

(3) For power;

Provided, however, that the United States may release water in satisfaction of its obligations to the United States of Mexico under the Treaty dated February 3, 1944, without regard to the priorities specified in this subdivision (A);

(B) From releasing water controlled by the United States for irrigation and domestic use in the States of Arizona, California and Nevada, except as follows:

(1) If sufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy 7,500,000 acre-feet of annual consumptive use in the aforesaid three States, then of such 7,500,000 acre-feet of consumptive use, there shall be apportioned 2,800,000 acre-feet for use in Arizona, 4,400,000 acre-feet for use in California, and 300,000 acre-feet for use in Nevada;

(2) If sufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy annual consumptive use in the aforesaid States in excess of 7,500,000 acre-feet, such excess consumptive use is surplus, and 50% thereof shall be apportioned for use in Arizona and 50% for use in California; provided, however, that if the United States so contracts with Nevada, then 46% of such surplus shall be apportioned for use in Arizona and 4% for use in Nevada;

(3) If insufficient mainstream water is available for release, as determined by the Secretary of the Interior, to satisfy annual consumptive use of 7,500,000 acre-feet in the aforesaid three

States, then the Secretary of the Interior, after providing for satisfaction of present perfected rights in the order of their priority dates without regard to state lines and after consultation with the parties to major delivery contracts and such representatives as the respective States may designate, may apportion the amount remaining available for consumptive use in such manner as is consistent with the Boulder Canyon Project Act as interpreted by the opinion of this Court herein, and with other applicable federal statutes, but in no event shall more than 4,400,000 acre-feet be apportioned for use in California including all present perfected rights;

(4) Any mainstream water consumptively used within a State shall be charged to its apportionment, regardless of the purpose for which it was released;

(5) Notwithstanding the provisions of Paragraphs (1) through (4) of this subdivision (B), mainstream water shall be released or delivered to water users (including but not limited to public and municipal corporations and other public agencies) in Arizona, California, and Nevada only pursuant to valid contracts therefor made with such users by the Secretary of the Interior, pursuant to Section 5 of the Boulder Canyon Project Act or any other applicable federal statute;

(6) If, in any one year, water apportioned for consumptive use in a State will not be consumed

in that State, whether for the reason that delivery contracts for the full amount of the State's apportionment are not in effect or that users cannot apply all of such water to beneficial uses, or for any other reason, nothing in this decree shall be construed as prohibiting the Secretary of the Interior from releasing such apportioned but unused water during such year for consumptive use in the other States. No rights to the recurrent use of such water shall accrue by reason of the use thereof;

(C) From applying the provisions of Article 7(d) of the Arizona water delivery contract dated February 9, 1944, and the provisions of Article 5(a) of the Nevada water delivery contract dated March 30, 1942, as amended by the contract dated January 3, 1944, to reduce the apportionment or delivery of mainstream water to users within the States of Arizona and Nevada by reason of any uses in such States from the tributaries flowing therein;

(D) From releasing water controlled by the United States for use in the States of Arizona, California, and Nevada for the benefit of any federal establishment named in this subdivision (D) except in accordance with the allocations made herein; provided, however, that such release may be made notwithstanding the provisions of Paragraph (5) of subdivision (B) of this Article; and provided further that nothing herein shall prohibit the United States from making future additional reservations of mainstream water for use in any of such States as may be

authorized by law and subject to present perfected rights and rights under contracts theretofore made with water users in such State under Section 5 of the Boulder Canyon Project Act or any other applicable federal statute:

(1) The Chemehuevi Indian Reservation in annual quantities not to exceed (i) 11,340 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 1,900 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of February 2, 1907;

(2) The Cocopah Indian Reservation in annual quantities not to exceed (i) 9,707 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 1,524 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with priority dates of September 27, 1917, for lands reserved by the Executive Order of said date; June 24, 1974, for lands reserved by the Act of June 24, 1974 (88 Stat. 266, 269);

(3) The Fort Yuma Indian Reservation in annual quantities not to exceed (i) 77,966 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 11,694 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of January 9, 1884;

(4) The Colorado River Indian Reservation in annual quantities not to exceed (i) 719,248 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 107,903 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with priority dates of March 3, 1865, for lands reserved by the Act of March 3, 1865 (13 Stat. 541, 559); November 22, 1873, for lands reserved by the Executive Order of said date; November 16, 1874, for lands reserved by the Executive Order of said date, except as later modified; May 15, 1876, for lands reserved by the Executive Order of said date; November 22, 1915, for lands reserved by the Executive Order of said date;

(5) The Fort Mojave Indian Reservation in annual quantities not to exceed (i) 132,789 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 20,544 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with priority dates of September 19, 1890, for lands transferred by the Executive Order of said date; February 2, 1911, for lands reserved by the Executive Order of said date.

(6) The Lake Mead National Recreation Area in annual quantities reasonably necessary to fulfill the purposes of the Recreation Area, with priority dates of May 3, 1929, for lands reserved by the Executive Order of said date (No. 5105),

and April 25, 1930, for lands reserved by the Executive Order of said date (No. 5339);

(7) The Havasu Lake National Wildlife Refuge in annual quantities reasonably necessary to fulfill the purposes of the Refuge, not to exceed (i) 41,839 acre-feet of water diverted from the mainstream or (ii) 37,339 acre-feet of consumptive use of mainstream water, whichever of (i) or (ii) is less, with a priority date of January 22, 1941, for lands reserved by the Executive Order of said date (No. 8647), and a priority date of February 11, 1949, for land reserved by the Public Land Order of said date (No. 559);

(8) The Imperial National Wildlife Refuge in annual quantities reasonably necessary to fulfill the purposes of the Refuge not to exceed (i) 28,000 acre-feet of water diverted from the mainstream or (ii) 23,000 acre-feet of consumptive use of mainstream water, whichever of (i) or (ii) is less, with a priority date of February 14, 1941;

(9) Boulder City, Nevada, as authorized by the Act of September 2, 1958, 72 Stat. 1726, with a priority date of May 15, 1931;

Provided, further, that consumptive uses from the mainstream for the benefit of the above-named federal establishments shall, except as necessary to satisfy present perfected rights in the order of their priority dates without regard to state lines, be satisfied only out of water available, as provided in subdivision (B) of this Article, to each State wherein such uses occur and subject to, in the case of each reservation, such rights as have been

created prior to the establishment of such reservation by contracts executed under Section 5 of the Boulder Canyon Project Act or any other applicable federal statute.

III. The States of Arizona, California and Nevada, Palo Verde Irrigation District, Imperial Irrigation District, Coachella Valley Water District, The Metropolitan Water District of Southern California, City of Los Angeles, City of San Diego, and County of San Diego, and all other users of water from the mainstream in said States, their officers, attorneys, agents and employees, be and they are hereby severally enjoined:

(A) From interfering with the management and operation, in conformity with Article II of this decree, of regulatory structures controlled by the United States;

(B) From interfering with or purporting to authorize the interference with releases and deliveries, in conformity with Article II of this decree, of water controlled by the United States;

(C) From diverting or purporting to authorize the diversion of water from the mainstream the diversion of which has not been authorized by the United States for use in the respective States; provided, however, that no party named in this Article and no other user of water in said States shall divert or purport to authorize the diversion of water from the mainstream the diversion of which has not been authorized by the United States for its particular use;

(D) From consuming or purporting to authorize the consumptive use of water from the mainstream in excess of the quantities permitted under Article II of this decree.

IV. The State of New Mexico, its officers, attorneys, agents and employees, be and they are after March 9, 1968, hereby severally enjoined:

(A) From diverting or permitting the diversion of water from San Simon Creek, its tributaries and underground water sources for the irrigation of more than a total of 2,900 acres during any one year, and from exceeding a total consumptive use of such water, for whatever purpose, of 72,000 acre-feet during any period of ten consecutive years; and from exceeding a total consumptive use of such water, for whatever purpose, of 8,220 acre-feet during any one year;

(B) From diverting or permitting the diversion of water from the San Francisco River, its tributaries and underground water sources for the irrigation within each of the following areas of more than the following number of acres during any one year:

Luna Area	225
Apache Creek-Aragon Area	316
Reserve Area	725
Glenwood Area	1,003

and from exceeding a total consumptive use of such water for whatever purpose, of 31,870 acre-feet during any period of ten consecutive years; and from exceeding a total consumptive use of such water, for whatever purpose, of 4,112 acre-feet during any one year;

(C) From diverting or permitting the diversion of water from the Gila River, its tributaries (exclusive of the San Francisco River and San Simon Creek and their tributaries) and underground water sources for the irrigation within each of the following areas of more than the following number of acres during any one year:

Upper Gila Area	287
Cliff-Gila and Buckhorn-Duck Creek Area..	5,314
Red Rock Area	1,456

and from exceeding a total consumptive use of such water (exclusive of uses in Virden Valley, New Mexico), for whatever purpose, of 136,620 acre-feet during any period of ten consecutive years; and from exceeding a total consumptive use of such water (exclusive of uses in Virden Valley, New Mexico), for whatever purpose, of 15,895 acre-feet during any one year;

(D) From diverting or permitting the diversion of water from the Gila River and its underground water sources in the Virden Valley, New Mexico, except for use on lands determined to have the right to the use of such water by the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in *United States v. Gila Valley Irrigation District et al.* (Globe Equity No. 59) (herein referred to as the *Gila Decree*), and except pursuant to and in accordance with the terms and provisions of the *Gila Decree*; provided, however, that:

(1) This decree shall not enjoin the use of underground water on any of the following lands:

16a

Owner	Subdivision and Legal Description	Sec.	Twp.	Rng.	Acreage
Marvin Arnett and J.C. O'Dell.	Part Lot 3 -----	6	19S	21W	33.84
	Part Lot 4 -----	6	19S	21W	52.33
	NW ¹ / ₄ SW ¹ / ₄ -----	5	19S	21W	38.36
	SW ¹ / ₄ SW ¹ / ₄ -----	5	19S	21W	39.80
	Part Lot 1 -----	7	19S	21W	50.68
	NW ¹ / ₄ NW ¹ / ₄ -----	8	19S	21W	38.03
Hyrum M. Pace,	SW ¹ / ₄ NE ¹ / ₄ -----	12	19S	21W	8.00
Ray Richardson,	SW ¹ / ₄ NE ¹ / ₄ -----	12	19S	21W	15.00
Harry Day and N. O. Pace, Est.	SE ¹ / ₄ NE ¹ / ₄ -----	12	19S	21W	7.00
C. C. Martin -----	S. part SE ¹ / ₄				
	SW ¹ / ₄ SE ¹ / ₄ -----	1	19S	21W	0.93
	W ¹ / ₂ W ¹ / ₂ W ¹ / ₂				
	NE ¹ / ₄ NE ¹ / ₄ -----	12	19S	21W	0.51
	NW ¹ / ₄ NE ¹ / ₄ -----	12	19S	21W	18.01
A. E. Jacobson -----	SW part Lot 1 ----	6	19S	21W	11.58
W. LeRoss Jones --	E. Central part:	12	19S	21W	0.70
	E ¹ / ₂ E ¹ / ₂ E ¹ / ₂				
	NW ¹ / ₄ NW ¹ / ₄				
	SW part NE ¹ / ₄				
	NW ¹ / ₄ -----	12	19S	21W	8.93
	N. Central part:				
	N ¹ / ₂ N ¹ / ₂ NW ¹ / ₂				
	SE ¹ / ₄ NW ¹ / ₄				
	N ¹ / ₂ N ¹ / ₂ N ¹ / ₂				
Conrad and James R. Donaldson.	SE ¹ / ₄ -----	18	19S	20W	8.00
James D. Free- stone -----	Part W ¹ / ₂ NW ¹ / ₄ --	33	18S	21W	7.79
Virgil W. Jones -----	N ¹ / ₂ SE ¹ / ₄	12	19S	21W	7.40
	NW ¹ / ₄ ; SE ¹ / ₄				
	NE ¹ / ₄ NW ¹ / ₄				
Darrell Brooks -----	SE ¹ / ₄ SW ¹ / ₄ -----	32	18S	21W	6.15
Floyd Jones -----	Part N ¹ / ₂ SE ¹ / ₄				
	NE ¹ / ₄ -----	13	19S	21W	4.00
	Part NW ¹ / ₄				
	SW ¹ / ₄ NW ¹ / ₄ -----	18	19S	20W	1.70
L. M. Hatch -----	SW ¹ / ₄ SW ¹ / ₄ -----	32	18S	21W	4.40
	Virden Townsite --	---	---	---	3.90
Carl M. Donaldson _	SW ¹ / ₄ SE ¹ / ₄ -----	12	19S	21W	3.40

Owner	Subdivision and Legal Description	Sec.	Twp.	Rng.	Acreage
Mack Johnson -----	Part NW ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ -----	10	19S	21W	2.80
	Part NE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ -----	10	19S	21W	0.0
	Part N ¹ / ₂ N ¹ / ₂ S ¹ / ₂ NW ¹ / ₄ NE ¹ / ₄ -----	10	19S	21W	0.10
	SE ¹ / ₄ SE ¹ / ₄ ; SW ¹ / ₄ SE ¹ / ₄ -----	3	19S	21W	} 2.66
Chris Dotz -----	NW ¹ / ₄ NE ¹ / ₄ ; NE ¹ / ₄ NE ¹ / ₄ -----	10	19S	21W	
Roy A. Johnson ----	NE ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ ---	4	19S	21W	1.00
Ivan and Antone Thygerson -----	NE ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ -----	32	18S	21W	1.00
	SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ -----	34	18S	21W	1.00
John W. Bonine --- Marion K. Morten- son -----	SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ - -----	33	18S	21W	<u>1.00</u>
Total -----	-----	----	----	-----	380.81

or on lands or for other uses in the Virden Valley to which such use may be transferred or substituted on retirement from irrigation of any of said specifically described lands, up to a maximum total consumptive use of such water of 838.2 acre-feet per annum, unless and until such uses are adjudged by a court of competent jurisdiction to be an infringement or impairment of rights confirmed by the Gila Decree; and

(2) This decree shall not prohibit domestic use of water from the Gila River and its underground water sources on lands with rights confirmed by the Gila Decree, or on farmsteads located adjacent to said lands, or in the Virden Townsite, up to a total consumptive use of 265 acre-feet per annum in addition to the uses confirmed by the Gila Decree, unless and until such

use is adjudged by a court of competent jurisdiction to be an infringement or impairment of rights confirmed by the Gila Decree;

(E) Provided, however, that nothing in this Article IV shall be construed to affect rights as between individual water users in the State of New Mexico; nor shall anything in this Article be construed to affect possible superior rights of the United States asserted on behalf of National Forests, Parks, Memorials, Monuments and lands administered by the Bureau of Land Management; and provided further that in addition to the diversions authorized herein the United States has the right to divert water from the mainstream of the Gila and San Francisco Rivers in quantities reasonably necessary to fulfill the purposes of the Gila National Forest with priority dates as of the date of withdrawal for forest purposes of each area of the forest within which the water is used;

(F) Provided, further, that no diversion from a stream authorized in Article IV(A) through (D) may be transferred to any of the other streams, nor may any use for irrigation purposes within any area on one of the streams be transferred for use for irrigation purposes to any other area on that stream.

V. The United States shall prepare and maintain, or provide for the preparation and maintenance of, and shall make available, annually and at such shorter intervals as the Secretary of the Interior shall deem necessary or advisable, for inspection by interested persons at all reasonable times and at a reasonable place or places, complete, detailed and accurate records of:

(A) Releases of water through regulatory structures controlled by the United States;

(B) Diversions of water from the mainstream, return flow of such water to the stream as is available for consumptive use in the United States or in satisfaction of the Mexican Treaty obligation, and consumptive use of such water. These quantities shall be stated separately as to each diverter from the mainstream, each point of diversion, and each of the States of Arizona, California and Nevada;

(C) Releases of mainstream water pursuant to orders therefor but not diverted by the party ordering the same, and the quantity of such water delivered to Mexico in satisfaction of the Mexican Treaty or diverted by others in satisfaction of rights decreed herein. These quantities shall be stated separately as to each diverter from the mainstream, each point of diversion, and each of the States of Arizona, California and Nevada;

(D) Deliveries to Mexico of water in satisfaction of the obligations of Part III of the Treaty of February 3, 1944, and, separately stated, water passing to Mexico in excess of treaty requirements;

(E) Diversions of water from the mainstream of the Gila and San Francisco Rivers and the consumptive use of such water, for the benefit of the Gila National Forest.

VI. By March 9, 1967, the States of Arizona, California, and Nevada shall furnish to this Court and to the Secretary of the Interior a list of the present perfected rights, with their claimed priority dates, in waters of

the mainstream within each State, respectively, in terms of consumptive use, except those relating to federal establishments. Any named party to this proceeding may present its claim of present perfected rights or its opposition to the claims of others. The Secretary of the Interior shall supply similar information, by March 9, 1967, with respect to the claims of the United States to present perfected rights within each State. If the parties and the Secretary of the Interior are unable at that time to agree on the present perfected rights to the use of mainstream water in each State, and their priority dates, any party may apply to the Court for the determination of such rights by the Court. A list of present perfected rights, with priority dates, in waters of the mainstream in the States of Arizona, California, and Nevada is set forth in Appendix A to this decree and is incorporated herein by reference.

VII. The State of New Mexico shall, by March 9, 1968, prepare and maintain, or provide for the preparation and maintenance of, and shall annually thereafter make available for inspection at all reasonable times and at a reasonable place or places, complete, detailed and accurate records of:

(A) The acreages of all lands in New Mexico irrigated each year from the Gila River, the San Francisco River, San Simon Creek, and their tributaries and all of their underground water sources, stated by legal description and component acreages and separately as to each of the areas designated in Article IV of this decree and as to each of the three streams;

(B) Annual diversions and consumptive uses of water in New Mexico, from the Gila River, the San

Francisco River, San Simon Creek, and their tributaries and all their underground water sources, stated separately as to each of the three streams.

VIII. This decree shall not affect:

(A) The relative rights *inter sese* of water users within any one of the States, except as otherwise specifically provided herein;

(B) The rights or priorities to water in any of the Lower Basin tributaries of the Colorado River in the States of Arizona, California, Nevada, New Mexico and Utah except the Gila River System;

(C) The rights or priorities, except as specific provision is made herein, of any Indian Reservation, National Forest, Park, Recreation Area, Monument or Memorial, or other lands of the United States;

(D) Any issue of interpretation of the Colorado River Compact.

IX. Any of the parties may apply at the foot of this decree for its amendment or for further relief. The Court retains jurisdiction of this suit for the purpose of any order, direction, or modification of the decree, or any supplementary decree, that may at any time be deemed proper in relation to the subject matter in controversy.

APPENDIX

The present perfected rights to the use of mainstream water in the States of Arizona, California, and Nevada, and their priority dates are determined to be as set forth below, subject to the following:

(1) The following listed present perfected rights relate to the quantity of water which may be used by each claimant and the list is not intended to limit or redefine the type of use otherwise set forth in this decree.

(2) This determination shall in no way affect future adjustments resulting from determinations relating to settlement of Indian reservation boundaries referred to in Art. II(D)(5) of this decree.

(3) Article IX of this decree is not affected by this list of present perfected rights.

(4) Any water right listed herein may be exercised only for beneficial uses.

(5) In the event of a determination of insufficient mainstream water to satisfy present perfected rights pursuant to Art. II(B)(3) of this decree, the Secretary of the Interior shall, before providing for the satisfaction of any of the other present perfected rights except for those listed herein as "MISCELLANEOUS PRESENT PERFECTED RIGHTS" (rights numbered 7-21 and 29-80 below) in the order of their priority dates without regard to State lines, first provide for the satisfaction in full of all rights of the Chemehuevi Indian Reservation, Cocopah Indian Reservation, Fort Yuma Indian Reservation, Colorado River Indian Reservation, and the Fort

Mojave Indian Reservation as set forth in Art. II(D)(1)-(5) of this decree, provided that the quantities fixed in paragraphs (1) through (5) of Art. II(D) of this decree shall continue to be subject to appropriate adjustment by agreement or decree of this Court in the event that the boundaries of the respective reservations are finally determined except for the western boundaries of the Fort Mojave and Colorado River Indian Reservations in California and except for the boundaries of the Fort Yuma Indian Reservation in Arizona and California. Additional present perfected rights so adjudicated by such adjustment shall be in annual quantities not to exceed the quantities of mainstream water necessary to supply the consumptive use required for irrigation of the practicably irrigable acres which are included within any area determined to be within a reservation by such final determination of a boundary and for the satisfaction of related uses. The quantities of diversions are to be computed by determining net practicably irrigable acres within each additional area using the methods set forth by the Special Master in this case in his Report to this Court dated December 5, 1960, and by applying the unit diversion quantities thereto, as listed below:

<u>Indian Reservation</u>	<u>Unit Diversion Quantity Acre-Feet Per Irrigable Acre</u>
Cocopah	6.37
Colorado River	6.67
Chemehuevi	5.97
Ft. Mojave	6.46
Ft. Yuma	6.67

The foregoing reference to a quantity of water necessary to supply consumptive use required for

irrigation, and as that provision is included within paragraphs (1) through (5) of Art. II(D) of this decree, shall constitute the means of determining quantity of adjudicated water rights but shall not constitute a restriction of the usage of them to irrigation or other agricultural application. If all or part of the adjudicated water rights of any of the five Indian Reservations is used other than for irrigation or other agricultural application, the total consumptive use, as that term is defined in Art. I(A) of this decree, for said Reservation shall not exceed the consumptive use that would have resulted if the diversions listed in subparagraph (i) of paragraphs (1) through (5) of Art. II(D) of this decree had been used for irrigation of the number of acres specified for that Reservation in said paragraphs and for the satisfaction of related uses. Effect shall be given to this paragraph notwithstanding the priority dates of the present perfected rights as listed below. However, nothing in this paragraph (5) shall affect the order in which such rights listed below as "MISCELLANEOUS PRESENT PERFECTED RIGHTS" (numbered 7-21 and 29-80 below) shall be satisfied. Furthermore, nothing in this paragraph shall be construed to determine the order of satisfying any other Indian water rights claims not herein specified.

I

ARIZONA

A. Federal Establishments' Present Perfected Rights

The federal establishments named in Art. II, subdivision (D), paragraphs (2), (3), (4), and (5) of this decree, such rights having been decreed in Art. II:

<u>Defined Area of Land</u>	<u>Annual Diversion (Acre-Feet)¹</u>	<u>Net Acres¹</u>	<u>Priority Date</u>
1) Cocopah Indian Reservation	7,681	1,206	Sept. 27, 1917
2) Colorado River Indian Reservation	358,400 252,016	53,768 37,808	Mar. 3, 1865 Nov. 22, 1873
	51,986	7,799	Nov. 16, 1874
3) Fort Mojave Indian Reser- vation	27,969 75,566	4,327 11,691	Sept. 18, 1890 Feb. 2, 1911
3a) Fort Yuma Indian Reservation	6,350	952	Jan. 9, 1884

In addition to the mainstream diversion rights in favor of the Indian Reservations specified in Paragraph I(A) of this Appendix, a mainstream diversion right of 2,026 acre-feet for the Cocopah Reservation shall be charged against the State of Arizona with a priority date of June 24, 1974.

B. Water Projects' Present Perfected Rights

(4) *The Valley Division, Yuma Project* in annual quantities not to exceed (i) 254,200 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 43,562 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1901.

(5) *The Yuma Auxiliary Project, Unit B* in annual quantities not to exceed (i) 6,800 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use re-

¹ The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

quired for irrigation of 1,225 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

(6) *The North Gila Valley Unit, Yuma Mesa Division, Gila Project* in annual quantities not to exceed (i) 24,500 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 4,030 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

C. Miscellaneous Present Perfected Rights

1. The following miscellaneous present perfected rights in Arizona in annual quantities of water not to exceed the listed acre-feet of diversion from the mainstream to supply the consumptive use required for irrigation and the satisfaction of related uses within the boundaries of the land described and with the priority dates listed:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
7) 160 Acres in Lots 21, 24, and 25, Sec. 29 and Lots 15, 16, 17 and 18, and the SW ¹ / ₄ of the SE ¹ / ₄ , Sec. 30, T.16S., R.22E., San Bernar- dino Base and Meridian, Yuma County, Arizona. (Powers) ²	960	1915

² The names in parentheses following the description of the “Defined Area of Land” are used for identification of present perfected rights only; the name used is the first name appearing as the Claimants identified with a parcel in Arizona’s 1967 list submitted to this Court.

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
8) Lots 11, 12, 13, 19, 20, 22 and S ¹ / ₄ of SW ¹ / ₄ , Sec. 30, T.16S., R.22E., San Bernardino Base and Meridian, Yuma County, Arizona. (United States) ³	1,140	1915
9) 60 acres within Lot 2, Sec. 15 and Lots 1 and 2, Sec. 22, T.10N., R.19W, G&SRBM. (Graham) ²	360	1910
10) 180 acres within the N ¹ / ₂ of the S ¹ / ₂ and the S ¹ / ₂ of the N ¹ / ₂ of Sec. 13 and the SW ¹ / ₄ of the NE ¹ / ₄ of Sec. 14, T.18N., R.22W., G&SRBM. (Hulet) ²	1,080	1902
11) 45 acres within the NE ¹ / ₄ of the SW ¹ / ₄ , the SW ¹ / ₄ of the SW ¹ / ₄ and the SE ¹ / ₄ of the SW ¹ / ₄ of Sec. 11, T.18N., R.22W., G&SRBM. 80 acres within the N ¹ / ₄ of the SW ¹ / ₄ of Sec. 11, T.18N., R.22W., G&SRBM. 10 acres within the NW ¹ / ₄ of the NE ¹ / ₄ of the NE ¹ / ₄ of Sec. 15, T.18N., R.22W., G&SRBM. 40 acres within the SE ¹ / ₄ of the SE ¹ / ₄ of Sec. 15, T.18N., R.22W., G&SRBM (Hurschler) ²	1,050	1902
12) 40 acres within Sec. 13, T.17N., R.22W., G&SRBM. (Miller) ²	240	1902
13) 120 acres within Sec. 27, T.18N., R. 22W., G&SRBM. 15 acres within the NW ¹ / ₄ of the NW ¹ / ₄ , Sec. 23, T.18N., R.22W., G&SRBM. (McKellips and Granite Reef Farms) ⁴	810	1902

³ Included as a part of the Powers' claim in Arizona's 1967 list submitted to this Court. Subsequently, the United States and Powers agreed to a Stipulation of Settlement on land ownership whereby title to this property was quieted in favor of the United States.

⁴ The names in parentheses following the description of the "Defined Area of Land" are the names of claimants, added since

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
14) 180 acres within the NW ¹ / ₄ of the NE ¹ / ₄ , the SW ¹ / ₄ of the NE ¹ / ₄ , the NE ¹ / ₄ of the SW ¹ / ₄ , the NW ¹ / ₄ of the SE ¹ / ₄ , the NE ¹ / ₄ of the SE ¹ / ₄ , and the SW ¹ / ₄ of the SE ¹ / ₄ , and the SE ¹ / ₄ of the SE ¹ / ₄ , Sec. 31, T.18N., R.21W., G&SRBM. (Sherrill & Lafolette) ⁴	1,080	1902
15) 53.89 acres as follows: Beginning at a point 995.1 feet easterly of the NW corner of the NE ¹ / ₄ of Sec. 10, T.8S., R.22W., Gila and Salt River Base and Meridian; on the northerly boundary of the said NE ¹ / ₄ , which is the true point of beginning, then in a southerly direction to a point on the southerly boundary of the said NE ¹ / ₄ which is 991.2 feet E. of the SW corner of said NE ¹ / ₄ thence easterly along the S. line of the NE ¹ / ₄ , a distance of 807.3 feet to a point, thence N. 0°7' W., 768.8 feet to a point, thence E. 124.0 feet to a point, thence northerly 0°14' W., 1,067.6 feet to a point, thence E. 130 feet to a point, thence northerly 0°20' W., 405.2 feet to a point, thence northerly 63°10' W., 506.0 feet to a point, thence northerly 90°15' W., 562.9 feet to a point on the northerly boundary of the said NE ¹ / ₄ , thence easterly along the said northerly boundary of the said NE ¹ / ₄ , 116.6 feet to the true point of the beginning containing 53.89 acres. All as more particularly described and set forth in that survey executed by Thomas A. Yowell, Land Surveyor on June 24, 1969. (Molina) ⁴	318	1928

the 1967 list, upon whose water use these present perfected rights are predicated.

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
16) 60 acres within the NW ¹ / ₄ of the NW ¹ / ₄ and the north half of the SW ¹ / ₄ of the NW ¹ / ₄ of Sec. 14, T.8S., R.22W., G&SRBM.	780	1925
70 acres within the S ¹ / ₄ of the SW ¹ / ₄ of the SW ¹ / ₄ , and the W ¹ / ₄ of the SW ¹ / ₄ , Sec. 14, T.8S., R.22W., G&SRBM. (Sturges) ⁴		
17) 120 acres within the N ¹ / ₄ NE ¹ / ₄ , NE ¹ / ₄ NW ¹ / ₄ , Section 23, T.18N., R.22W., G&SRBM. (Zozaya) ⁴	720	1912
18) 40 acres in the W ¹ / ₄ of the NE ¹ / ₄ of Section 30, and 60 acres in the W ¹ / ₄ of the SE ¹ / ₄ of Section 30, and 60 acres in the E ¹ / ₄ of the NW ¹ / ₄ of Section 31, comprising a total of 160 acres all in Township 18 North, Range 21 West of the G&SRBM. (Swan) ⁴	960	1902
19) 7 acres in the East 300 feet of the W ¹ / ₄ of Lot 1 (Lot 1 being the SE ¹ / ₄ SE ¹ / ₄ , 40 acres more or less), Section 28, Township 16 South, Range 22 East, San Bernardino Meridian, lying North of U. S. Bureau of Reclamation levee right of way. EXCEPT that portion conveyed to the United States of America by instrument recorded in Docket 417, page 150 EXCEPTING any portion of the East 300 feet of W ¹ / ₄ of Lot 1 within the natural bed of the Colorado River below the line of ordinary high water and also EXCEPTING any artificial accre- tions waterward of said line of ordinary high water, all of which comprises approxi- mately seven (7) acres. (Milton and Jean Phillips) ⁴	42	1900

2. The following miscellaneous present perfected rights in Arizona in annual quantities of water not to exceed the listed number of acre-feet of (i) diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use, whichever of (i) or (ii) is less, for domestic, municipal, and

industrial purposes within the boundaries of the land described and with the priority dates listed:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Consumptive Use (acre-feet)</u>	<u>Priority Date</u>
20) City of Parker ²	630	400	1905
21) City of Yuma ²	2,333	1,478	1893

II

CALIFORNIA

A. Federal Establishments' Present Perfected Rights

The federal establishments named in Art. II, subdivision (D), paragraphs (1), (3), (4), and (5) of this decree, such rights having been decreed by Art. II:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)⁵</u>	<u>Net Acres⁵</u>	<u>Priority Date</u>
22) Chemehuevi Indian Reservation	11,340	1,900	Feb. 2, 1907
23) Fort Yuma Indian Reservation	71,616	10,742	Jan. 9, 1884
24) Colorado River Indian Reservation	10,745 40,241 5,860	1,612 6,037 879	Nov. 22, 1873 Nov. 16, 1874 May 15, 1876
25) Fort Mojave Indian Reservation	16,720	2,587	Sept. 18, 1890

⁵ The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

B. Water Districts' and Projects' Present
Perfected Rights

26)

The Palo Verde Irrigation District in annual quantities not to exceed (i) 219,780 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 33,604 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1877.

27)

The Imperial Irrigation District in annual quantities not to exceed (i) 2,600,000 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 424,145 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1901.

28)

The Reservation Division, Yuma Project, California (non-Indian portion) in annual quantities not to exceed (i) 38,270 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 6,294 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

C. Miscellaneous Present Perfected Rights

1. The following miscellaneous present perfected rights in California in annual quantities of water not to exceed the listed number of acre-feet of diversions from the mainstream to supply the consumptive use required

for irrigation and the satisfaction of related uses within the boundaries of the land described and with the priority dates listed:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
29) 130 acres within Lots 1, 2, and 3, SE ¹ / ₄ of NE ¹ / ₄ of Section 27, T.16S., R.22E., S.B.B. & M. (Wavers) ⁶	780	1856
30) 40 acres within W ¹ / ₄ , W ¹ / ₄ of E ¹ / ₄ of Section 1, T.9N., R.22E., S.B.B. & M. (Stephenson) ⁶	240	1923
31) 20 acres within Lots 1 and 2, Sec. 19, T.13S., R.23E., and Lots 2, 3, and 4 of Sec. 24, T.13S., R.22E., S.B.B. & M. (Mendivil) ⁶	120	1893
32) 30 acres within NW ¹ / ₄ of SE ¹ / ₄ , S ¹ / ₄ of SE ¹ / ₄ , Sec. 24, and NW ¹ / ₄ of NE ¹ / ₄ , Sec. 25, all in T.9S., R.21E., S.B.B. & M. (Grannis) ⁶	180	1928
33) 25 acres within Lot 6, Sec. 5; and Lots 1 and 2, SW ¹ / ₄ of NE ¹ / ₄ , and NE ¹ / ₄ of SE ¹ / ₄ of Sec. 8, and Lots 1 & 2 of Sec. 9, all in T. 13S., R.22E., S.B.B. & M. (Morgan) ⁶	150	1913
34) 18 acres within E ¹ / ₄ of NW ¹ / ₄ and W ¹ / ₄ of NE ¹ / ₄ of Sec. 14, T.10S., R.21E., S.B.B. & M. (Milpitas) ⁶	108	1918

⁶ The names in parentheses following the description of the “Defined Area of Land” are used for identification of present perfected rights only; the name used is the first name appearing as the claimant identified with a parcel in California’s 1967 list submitted to this Court.

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
35) 10 acres within N ¹ / ₄ of NE ¹ / ₄ , SE ¹ / ₄ of NE ¹ / ₄ , and NE ¹ / ₄ of SE ¹ / ₄ , Sec. 30, T.9N., R.23E., S.B.B. & M. (Simons) ⁶	60	1889
36) 16 acres within E ¹ / ₄ of NW ¹ / ₄ and N ¹ / ₄ of SW ¹ / ₄ , Sec. 12, T.9N., R.22E., S.B.B. & M. (Colo. R. Sportsmen's League) ⁶	96	1921
37) 11.5 acres within E ¹ / ₄ of NW ¹ / ₄ , Sec. 1, T.10S., R.21E., S.B.B. & M. (Milpitas) ⁶	69	1914
38) 11 acres within S ¹ / ₄ of SW ¹ / ₄ , Sec. 12, T.9N., R.22E., S.B.B. & M. (Andrade) ⁶	66	1921
39) 6 acres within Lots 2, 3, and 7 and NE ¹ / ₄ of SW ¹ / ₄ , Sec. 19, T.9N., R.23E., S.B.B. & M. (Reynolds) ⁶	36	1904
40) 10 acres within N ¹ / ₄ of NE ¹ / ₄ , SE ¹ / ₄ of NE ¹ / ₄ and NE ¹ / ₄ of SE ¹ / ₄ , Sec. 24, T.9N., R.22E., S.B.B. & M. (Cooper) ⁶	60	1905
41) 20 acres within SW ¹ / ₄ of SW ¹ / ₄ (Lot 8), Sec. 19, T.9N., R.23E., S.B.B. & M. (Chagnon) ⁷	120	1925
42) 20 acres within NE ¹ / ₄ of SW ¹ / ₄ , N ¹ / ₄ of SE ¹ / ₄ , SE ¹ / ₄ of SE ¹ / ₄ , Sec. 14, T.9S., R.21E., S.B.B. & M. (Lawrence) ⁷	120	1915

2. The following miscellaneous present perfected rights in California in annual quantities of water not to exceed the listed number of acre-feet of (i) diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use,

⁷ The names in parentheses following the description of the "Defined Area of Land" are the names of the homesteaders upon whose water use these present perfected rights, added since the 1967 list submitted to this Court, are predicated.

whichever of (i) or (ii) is less, for domestic, municipal, and industrial purposes within the boundaries of the land described and with the priority dates listed:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Con- sumptive Use (acre-feet)</u>	<u>Priority Date</u>
43) City of Needles ⁶	1,500	950	1885
44) Portions of: Secs. 5, 6, 7 & 8, T.7N., R.24E.; Sec. 1, T.7N., R.23E.; Secs. 4, 5, 9, 10, 15, 22, 23, 25, 26, 35, & 36, T.8N., R.23E.; Secs. 19, 29, 30, 32 & 33, T.9N., R.23E., S.B.B. & M. (Atchison, Topeka and Santa Fe Railway Co.) ⁶	1,260	273	1896
45) Lots 1, 2, 3, 4, 5, & SW ¹ / ₄ NW ¹ / ₄ of Sec. 5, T.13S., R.22E., S.B.B. & M. (Con- ger) ⁷	1.0	0.6	1921
46) Lots 1, 2, 3, 4 of Sec. 32, T.11S., R.22E., S.B.B. & M. (G. Draper) ⁷	1.0	0.6	1923
47) Lots 1, 2, 3, 4, and SE ¹ / ₄ SW ¹ / ₄ of Sec. 20, T.11S., R.22E., S.B.B. & M. (McDonough) ⁷	1.0	0.6	1919
48) SW ¹ / ₄ of Sec. 25, T.8S., R.22E., S.B.B. & M. (Faubion) ⁷	1.0	0.6	1925
49) W ¹ / ₄ NW ¹ / ₄ of Sec. 12, T.9N., R.22E., S.B.B. & M. (Dudley) ⁷	1.0	0.6	1922

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<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Con- sumptive Use (acre-feet)</u>	<u>Priority Date</u>
50) N ¹ / ₄ SE ¹ / ₄ and Lots 1 and 2 of Sec. 13, T.8S., R.22E., S.B.B. & M. (Douglas) ⁷	1.0	0.6	1916
51) N ¹ / ₄ SW ¹ / ₄ , NW ¹ / ₄ SE ¹ / ₄ , Lots 6 and 7, Sec. 5, T.9S., R.22E., S.B.B. & M. (Beauchamp) ⁷	1.0	0.6	1924
52) NE ¹ / ₄ SE ¹ / ₄ , SE ¹ / ₄ NE ¹ / ₄ , and Lot 1, Sec. 26, T.8S., R.22E., S.B.B. & M. (Clark) ⁷	1.0	0.6	1916
53) N ¹ / ₄ SW ¹ / ₄ , NW ¹ / ₄ SE ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ , Sec. 13, T.9S., R.21E., S.B.B. & M. (Lawrence) ⁷	1.0	0.6	1915
54) N ¹ / ₄ NE ¹ / ₄ , E ¹ / ₄ NW ¹ / ₄ , Sec. 13, T.9S., R.21E., S.B.B. & M. (J. Graham) ⁷	1.0	0.6	1914
55) SE ¹ / ₄ , Sec. 1, T.9S., R.21E., S.B.B. & M. (Geiger) ⁷	1.0	0.6	1910
56) Fractional W ¹ / ₄ of SW ¹ / ₄ (Lot 6) Sec. 6, T.9S., R.22E., S.B.B. & M. (Schneider) ⁷	1.0	0.6	1917
57) Lot 1, Sec. 15; Lots 1 & 2, Sec. 14; Lots 1 & 2, Sec. 23; all in T.13S., R.22E., S.B.B. & M. (Martinez) ⁷	1.0	0.6	1895
58) NE ¹ / ₄ , Sec. 22, T.9S., R.21E., S.B.B. & M. (Earle) ⁷	1.0	0.6	1925
59) NE ¹ / ₄ SE ¹ / ₄ , Sec. 22, T.9S., R.21E., S.B.B. & M. (Diehl) ⁷	1.0	0.6	1928

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<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Con- sumptive Use (acre-feet)</u>	<u>Priority Date</u>
60) N ¹ / ₄ NW ¹ / ₄ , N ¹ / ₄ NE ¹ / ₄ , Sec. 23, T.9S., R.21E., S.B.B. & M. (Reid) ⁷	1.0	0.6	1912
61) W ¹ / ₄ SW ¹ / ₄ , Sec. 23, T.9S., R.21E., S.B.B. & M. (Graham) ⁷	1.0	0.6	1916
62) S ¹ / ₄ NW ¹ / ₄ , NE ¹ / ₄ SW ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ , Sec. 23, T.9S., R.21E., S.B.B. & M. (Cate) ⁷	1.0	0.6	1919
63) SE ¹ / ₄ NE ¹ / ₄ , N ¹ / ₄ SE ¹ / ₄ , SE ¹ / ₄ SE ¹ / ₄ , Sec. 23, T.9S., R.21E., S.B.B. & M. (McGee) ⁷	1.0	0.6	1924
64) SW ¹ / ₄ SE ¹ / ₄ , SE ¹ / ₄ SW ¹ / ₄ , Sec. 23, NE ¹ / ₄ NW ¹ / ₄ , NW ¹ / ₄ NE ¹ / ₄ , Sec. 26; all in T.9S., R.21E., S.B.B. & M. (Stallard) ⁷	1.0	0.6	1924
65) W ¹ / ₄ SE ¹ / ₄ , SE ¹ / ₄ SE ¹ / ₄ , Sec. 26, T.9S., R.21E., S.B.B. & M. (Randolph) ⁷	1.0	0.6	1926
66) E ¹ / ₄ N E ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ , Sec. 26, T.9S., R.21E., S.B.B. & M. (Stallard) ⁷	1.0	0.6	1928
67) S ¹ / ₄ SW ¹ / ₄ , Sec. 13, N ¹ / ₄ NW ¹ / ₄ , Sec. 24; all in T.9S., R.21E., S.B.B. & M. (Keefe) ⁷	1.0	0.6	1926
68) SE ¹ / ₄ NW ¹ / ₄ , SE ¹ / ₄ , Lots 2, 3, & 4, Sec. 25, T.13S., R.23E., S.B.B. & M. (C. Ferguson) ⁷	1.0	0.6	1903

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<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Con- sumptive Use (acre-feet)</u>	<u>Priority Date</u>
69) Lots 4 & 7, Sec. 6; Lots 1 & 2, Sec. 7; all in T.14S., R.24E., S.B.B. & M. (W. Ferguson) ⁷	1.0	0.6	1903
70) SW ¹ / ₄ SE ¹ / ₄ , Lots 2, 3, and 4, Sec. 24, T.12S., R.21E., Lot 2, Sec. 19, T.12S., R.22E., S.B.B. & M. (Vaulin) ⁷	1.0	0.6	1920
71) Lots 1, 2, 3 and 4, Sec. 25, T.12S., R21E., S.B.B. & M (Salisbury)	1.0	0.6	1920
72) Lots 2, 3, SE ¹ / ₄ SE ¹ / ₄ , Sec. 15, NE ¹ / ₄ NE ¹ / ₄ , Sec. 22; all in T.13S., R.22E., S.B.B. & M. (Hadlock) ⁷	1.0	0.6	1924
73) SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ , and Lots 7 & 8, Sec. 6, T.9S., R.22E., S.B.B. & M. (Streeter) ⁷	1.0	0.6	1903
74) Lot 4, Sec. 5; Lots 1 & 2, Sec. 7; Lots 1 & 2, Sec. 8; Lot 1, Sec. 18; all in T.12S., R.22E., S.B.B. & M. (J. Draper) ⁷	1.0	0.6	1903
75) SW ¹ / ₄ NW ¹ / ₄ , Sec. 5; SE ¹ / ₄ NE ¹ / ₄ and Lot 9, Sec. 6; all in T.9S., R.22E., S.B.B. & M. (Fitz) ⁷	1.0	0.6	1912

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Con- sumptive Use (acre-feet)</u>	<u>Priority Date</u>
76) NW ¹ / ₄ NE ¹ / ₄ , Sec. 26; Lots 2 & 3, W ¹ / ₄ SE ¹ / ₄ , Sec. 23; all in T.8S., R.22E., S.B.B. & M. (Williams) ⁷	1.0	0.6	1909
77) Lots 1, 2, 3, 4, & 5, Sec. 25, T.8S., R.22E., S.B.B. & M (Estrada) ⁷	1.0	0.6	1928
78) S ¹ / ₄ NW ¹ / ₄ , Lot 1, frac. NE ¹ / ₄ SW ¹ / ₄ , Sec. 25, T.9S., R.21E., S.B.B. & M. (Whittle) ⁷	1.0	0.6	1925
79) N ¹ / ₄ NW ¹ / ₄ , Sec. 25; S ¹ / ₄ SW ¹ / ₄ , Sec. 24; all in T.9S., R.21E., S.B.B. & M. (Corington) ⁷	1.0	0.6	1928
80) S ¹ / ₄ NW ¹ / ₄ , N ¹ / ₄ SW ¹ / ₄ , Sec. 24, T.9S., R.21E., S.B.B. & M. (Tolliver) ⁷	1.0	0.6	1928

III

NEVADA

A. Federal Establishments' Present Perfected Rights

The federal establishments named in Art. II, subdivision (D), paragraphs (5) and (6) of this decree, such rights having been decreed by Art. II:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Net Acres</u>	<u>Priority Date</u>
81) Fort Mojave Indian Reservation	12,534 ⁸	1,939 ⁸	Sept. 18, 1890
82) Lake Mead National Re- creation Area (The Overton Area of Lake Mead N.R.A. provided in Executive Order 5105)	500	300 ⁹	May 3, 1929 ¹⁰

⁸ The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

⁹ Refers to acre-feet of annual consumptive use, not to net acres.

¹⁰ Article II (D)(6) of this decree specifies a priority date of March 3, 1929. Executive Order 5105 is dated May 3, 1929 (see C.F.R. 1964 Cumulative Pocket Supplement, p. 276, and the Findings of Fact and Conclusions of Law of the Special Master's Report in this case, pp. 294-295).